

United States District Court, Northern District of Illinois

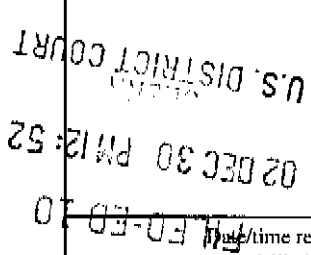


Name of Assigned Judge or Magistrate Judge	Milton I. Shadur	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	02 C 8928	DATE	12/27/2002
CASE TITLE	Financial Management Services vs. Coburn Supply Co., et al		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

DOCKET ENTRY:

- (1) ☐ Filed motion of [use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due _____.
- (3) ☐ Answer brief to motion due _____. Reply to answer brief due _____.
- (4) ☐ Ruling/Hearing on _____ set for _____ at _____.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) ☐ Trial[set for/re-set for] on _____ at _____.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
☐ FRCP4(m) ☐ Local Rule 41.1 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Enter Memorandum Order. This Court sees no point in cluttering up the Court files with such unnecessary duplication. It is therefore not accepting the proposed First Amended Complaint for filing, expecting instead that a new one-page filing setting out a proper (and properly slender) identification of the required citizenship will be made promptly.
- (11) ☒ [For further detail see order attached to the original minute order.]

<input type="checkbox"/>	No notices required, advised in open court.		number of notices	Document Number 
<input type="checkbox"/>	No notices required.		DEC 31 2002 date docketed	
<input checked="" type="checkbox"/>	Notices mailed by judge's staff.		 docketing deputy initials	
<input type="checkbox"/>	Notified counsel by telephone.		12/27/2002 date mailed notice	
<input type="checkbox"/>	Docketing to mail notices.		SN	
<input type="checkbox"/>	Mail AO 450 form.		mailing deputy initials	
<input type="checkbox"/>	Copy to judge/magistrate judge.			
SN	courtroom deputy's initials	time received in central Clerk's Office		

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DOCKETED
DEC 31 2002

FINANCIAL MANAGEMENT SERVICES,)	
INC.,)	
)	
Plaintiff,)	
)	
v.)	No. 02 C 8928
)	Judge Shadur
COBURN SUPPLY COMPANY, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

What in the world has happened to lawyers' judgment? On December 11, 2002 this Court issued its two-page Memorandum Order ("Order") calling the attention of counsel for Financial Management Services, Inc. ("Financial Management") to a flaw in its bulky Complaint: a failure to identify properly the citizenship of one of the defendants (a limited liability company). With appropriate care, the Order concluded by granting leave to Financial's counsel "to file an appropriate amendment to the Complaint" (not a self-contained Amended Complaint) to cure the one jurisdictional flaw. That limited form of order reflected a decent respect for our nation's forests (the Complaint and exhibits were nearly 3/4" thick) as well as plain common sense.

Yet on December 20, 2002 Financial's counsel delivered to this Court's chambers for filing a full-blown First Amended Complaint ("FAC") that is just as thick (of course) as the original Complaint, even though all that had to be done was to

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file an amended Complaint ¶ 3 containing just four lines. And on top of that, the only change made by counsel -- the rewritten Complaint ¶ 3 -- was wrong: It spoke of the residence and not the state of citizenship (which is of course the relevant fact for diversity purposes) of the limited liability company's sole member.

It is too late to save the damage to our natural resources that has been wreaked by generating multiple copies of such a needlessly thick document. But this Court sees no point in cluttering up the Court files (or its own chambers file) with such unnecessary duplication. It is therefore not accepting the proposed FAC for filing, expecting instead that a new one-page filing setting out a proper (and properly slender) identification of the required citizenship will be made promptly.¹



Milton I. Shadur
Senior United States District Judge

Dated: December 27, 2002

¹Financial's counsel should call this Court's chambers to advise whether the counterparts of the unfiled FAC will be picked up or whether this Court's staff should dispose of them in our save-a-tree container.